

TRUMP, T. et al.  
Serial No. 10/785,399

Atty Dkt: 4147-65  
Art Unit: 2646

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Cancel claims 1-10 without prejudice or disclaimer.
3. Add new claims 11-20.
4. Respectfully traverse all prior art rejections.

#### **B. PATENTABILITY OF THE CLAIMS**

Claims 1, 5, 6 and 10 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5,357,567 to Barron et al. Claims 2-4 and 7-9 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,357,567 to Barron et al in view of U.S. Patent 5,612,996 to Li. All prior art rejections are respectfully traversed for at least the following reasons.

New independent method claim 11 and new independent apparatus claim 16 specifies that a particular ratio controls the gain, and specifically a ratio between an estimated near-end speech signal level and an estimated near-end background noise level. In contrast, Barton estimates a linear combination ( $X_T = E_T - 2N_T$ ) which is totally different. Moreover, since Barron is concerned with echo blocking, it would not have been obvious for a person skilled in the art to modify Barton's linear combination into a ratio to obtain an audibility enhancement. Further, Applicants' claims contain further features that are not disclosed by Barron. For example, for claims 11 and 16, it is not sufficient that a ratio exceeds a first threshold to perform a gain increase. Rather, a further requirement is that at least one of the estimates has to exceed a respective threshold.

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The remaining applied neither augment, nor are alleged to augment, Barton in any way that would provide a basis for denying patentability of applicant's claims.

### C. MISCELLANEOUS

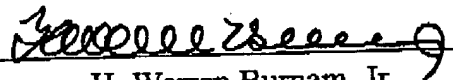
In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
NIXON & VANDERHYE P.C.

By: \_\_\_\_\_

  
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